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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

U. Amin et al.

Serial No.: 09/467,712

Filed: December 20, 1999

For:

**SYSTEM AND METHOD FOR AUTOMATICALLY TRANSFERRING A  
CALL FROM A FIRST TELEPHONE TO A DESIGNATED TELEPHONE  
IN CLOSE PROXIMITY**

Group No.: 2683

Examiner: C. Tran

Docket No. 493.US

**CERTIFICATION UNDER 37 CFR § 1.8**

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date January 21, 2005, in an envelope addressed to: Commissioner for Patents, Box 1450, Alexandria, VA. 22313-1450

January 21, 2005  
Date

Tenance A. Meador  
Signature

**MAIL STOP: APPEAL BRIEF-PATENTS**

Commissioner for Patents

P. O. Box 1450

Alexandria, VA. 22313-1450

Sir:

**APPLICANTS' SECOND BRIEF ON APPEAL**

In response to the Office Action mailed August 13, 2004 and in view of the Notice of Appeal mailed November 15, 2004 and received by the US Patent Office on November 22, 2004, the applicants request reinstatement of the Appeal and submit this Second Brief on Appeal. According to the changes in procedure effective September 13, 2004, because the applicants have previously paid the fee required for submission of a Brief, no fee is due.

### **REAL PARTY IN INTEREST**

The real party in interest is now CINGULAR WIRELESS II, LLC, formerly AT&T WIRELESS SERVICES, INC.

### **RELATED APPEALS**

The applicant submitted a Notice of Appeal on March 17, 2004 in response to the Final Action mailed January 13, 2004, and submitted an Appeal Brief on May 17, 2004. Following submission of the Appeal Brief, the examiner reopened prosecution by mailing a non-final Office Action dated 8/13/04. The applicants requested reinstatement of the appeal by way of the Notice of Appeal mailed on November 15, 2004, which was received by the Office on November 22, 2004, and submit this Second Appeal Brief in connection therewith.

### **STATUS OF THE CLAIMS**

Claims 1-3, 5, 9-14, 16, 17, 19, 21, 23-26, 28-31, 34, 36-38, 43, 48, 50-53, 55-57, and 59-62 are all rejected in the Office Action mailed August 13, 2004.

In the Office Action, claims 4,6-8, 15, 18, 20, 22, 27, 32, 33, 35, 39-42, 44-47, 49, 54, and 58 are objected to for depending upon a rejected base claim, but would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

### **STATUS OF AMENDMENTS**

Four Office Actions have been mailed by the Office in this application; three responses and one Brief on Appeal have been submitted by the applicant. All amendments and requests for reconsideration have been entered. This application is ripe for appeal.

### **SUMMARY OF THE CLAIMED SUBJECT MATTER**

The invention concerns the automatic transfer of telephone calls from a first telephone to a second telephone in close proximity to the first telephone. Thus positioning or moving the first telephone near the second telephone to place it in proximity to the second telephone will result in the transfer of calls directed to the first telephone from the first telephone to the second telephone and the receipt of transferred calls on the second telephone.

As stated in the specification at page 2, lines 18-23, “proximity” is used broadly to denote that the telephones are near or adjacent to each other or occupy intersecting areas or volumes. Either or both of the telephones may be moving. Proximity is determined by means such as GPS receivers, position triangulation using network elements, wireless transceivers, and other equivalent devices. See the specification at page 3, lines 1-14.

According to the specification at page 3, lines 15-29, proximity data is collected and logic uses the proximity data to decide whether to make the transfer. Data collection and decisional logic may be in either or both telephones or in some combination of the telephones and network elements.

When proximity is determined, the process of the invention initiates the “transfer” of calls from the first telephone to the second telephone in response to the proximity, and the calls are then received on the second telephone. The Board’s attention is respectfully directed to FIGS. 3-7, particularly, FIGS. 5, 6, and 7 where the network communications charts clearly establish that the “calls” that are transferred always initiate on the first telephone. See 110 in FIG. 5, 138 in FIG. 6, and 160 in FIG. 7. That is to say, a “call” according to the specification is a communication that initially connects to the first telephone and, once connected, is “transferred” from the first telephone to the second telephone.

## **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

The grounds of rejection to be reviewed on appeal are:

rejection of claims 1, 17, 19, 23, 26, 28, 30, 38, 43, 50, 52, 53, 55, 57, 59, and 60 for anticipation by U.S. Patent 5,745,850 ("Aldermeshian");

rejection of claims 2, 3, 34, 36, 61, and 62 for obviousness over Aldermeshian in view of US Patent No. 6,144,318 ("Hayashi");

the incomplete rejection of claims 5, 9, 10, 16 and 37;<sup>1</sup>

rejection of claims 11-13 and 31 for obviousness over Aldermeshian in view of US Patent 5,928,325 ("Shaughnessy");

rejection of claims 14, 21, 48, and 51 for obviousness over Aldermeshian in view of US Patent 6,580,904 ("Cox"); and

rejection of claims 24, 25, 29, and 56 for obviousness over Aldermeshian in view of US Patent 56,236,868 ("Lygas").

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<sup>1</sup> The Office Action of 8/13/2004 fails to state what the basis for rejection of claims 5, 9, 10, 16, and 37 is.

## ARGUMENT

Claims 1, 17, 19, 23, 26, 28, 30, 38, 43, 50, 52, 53, 55, 57, 59, and 60.

These claims are rejected for anticipation by Aldermeshian. That rejection is respectfully traversed for the following reasons.

The *prima facie* elements of anticipation have been set forth in this file history. The Aldermeshian reference fails to comply with those elements. In the discussion following, all italics are for emphasis.

Aldermeshian describes a telephone system in which one communications device “impersonates” another communications device. When impersonation is activated, the impersonating device takes over and/or uses the impersonated device’s network identification number. When the impersonating device becomes active, the impersonated device becomes dormant. During impersonation, the impersonated device becomes a non-entity whose network identification is assumed by the impersonating device. See Aldermeshian’s Abstract. Calls normally received by the impersonated device never activate the impersonated device; they only activate the impersonating device. According to Aldermeshian, when impersonation is activated, the ringer or paging unit in the impersonated device “is not triggered” when a call to the impersonated device is made. See Aldermeshian at col. 4, lines 59-61. Thus there is, in effect, no call to the impersonated device that can be transferred. When impersonation is activated, calls identifying the impersonated device are received and acted upon by the impersonating device without ever having activated the impersonated device; they are not and cannot be “transferred from” the impersonated device or “transferred to” the impersonating device. This is different than the invention described in this application and set forth in the rejected claims.

In the rejected claims, a telephone call is *transferred* from a first telephone to a second telephone based on proximity of the telephones. In this regard, the *transfer* to the second telephone requires that the call actually be initiated on the first telephone in order that it be *transferred* to the second telephone. See FIGS. 5, 6, and 7 where a call 110, 138 (or communication 160) in progress with mobile 12 is transferred to portable 14. In this application and the rejected claims a call must be *transferred from the first telephone* or *transferred to the second telephone*, either of which requires that the mobile 12 (an example of the “first telephone”) be active and distinguishable from the portable 14 (an example of the “second telephone”). In other words, the first telephone is

not dormant, is not inactivated, and is not impersonated by the device that receives its call.

With respect to claims 1, 17, 19, 23, 26, and 28, claim 1 is representative. In claim 1, a method for *transferring* telephone calls determines the proximity of a first telephone to a second telephone. The method then initiates “the transfer of calls from the first telephone to the second telephone in response to the proximity”, and then acts to receive the calls on the second telephone. In Aldermeshian telephone calls to an impersonated telephone are received initially on an impersonating telephone without being transferred from the impersonated telephone to the impersonated telephone. Aldermeshian therefore omits the acts of “initiating the transfer from” and “receiving the calls on”.

With respect to claims 30, 38, 43, 50, 52, and 53, 55 and 57, claim 30 is representative. In claim 30, a system for *transferring* telephone calls in a communications network includes first and second telephones connected to the network and “a call transfer mechanism for transferring telephone calls from the first telephone to the second telephone in response to proximity of the first telephone to the second telephone.” For the reasons given above, Aldermeshian omits a mechanism “for transferring telephone calls from the first telephone to the second telephone” in response to their proximity.

Claims 55 and 57 depend from claim 30 and therefore include the elements and limitations of claim 30 which embrace “a call transfer mechanism for transferring telephone calls from the first telephone to the second telephone in response to proximity of the first telephone to the second telephone.” For the reasons given above, Aldermeshian omits a mechanism “for transferring telephone calls” from a first to a second telephone.

With respect to claims 59 and 60, claim 59 is representative. According to claim 59, in a communications network connecting telephones, a call transfer mechanism includes means for determining proximity between a first and second telephone and “means for transferring telephone calls directed to the first telephone to the second telephone in response to the determination of proximity”. Aldermeshian does include a means for receiving calls directed to a first telephone on a second telephone; but that is not the subject matter of these claims. In Aldermeshian telephone calls to an impersonated telephone are received on an impersonating telephone without being “transferred” to the impersonated telephone. The only “transfers” that take place in

Aldermeshian are the conveyance of the impersonated device's identity to the impersonating device and the conveyance of activity to the impersonating device in response to proximity. In Aldermeshian, telephone calls to the transferred identity go directly to the recipient of the identity: the impersonating device. But identity and activation are not the things "transferred" in these claims. In claim 59, telephone calls are "transferred", and Aldermeshian omits the means for "transferring telephone calls directed to the first telephone to the second telephone in response to the determination of proximity".

Claims 2, 3, 34, 36, 61, and 62

These claims are rejected for obviousness over Aldermeshian in view of US Patent No. 6,144,318 ("Hayashi"). That rejection is respectfully traversed for the following reasons.

The *prima facie* elements of obviousness have been set forth in this file history. The combination of Aldermeshian and Hayashi fails to comply with those elements.

The contention is, first, that "Aldermeshian discloses all the subject matter described in rejected claims 1 and 30" except for the first telephone including a wireless receiver." This is beside the point with respect to claims 61 and 62 which do not depend on either of claims 1 and 30. The applicants respectfully traverse this conclusion with respect to claims 2, 3 34 and 36 for the reasons given above: Aldermeshian does not disclose transferring calls from a first to a second telephone. It is further contended that Hayashi discloses "a navigation system that uses position of a mobile unit to make call management decisions comprising a telephone includes a wireless location receiver, and in determining the proximity of the first to the second telephone using wireless location receiver data (see fig. 1, element 2, col. 4, lines 44-48)." The applicants respectfully disagree with this characterization of Hayashi. Hayashi discloses a navigation system that provides road guidance by means of a structure-shape map. Hayashi's system includes a present-position sensing unit 2 that includes "a data transceiver 23 for receiving a GPS correction signal utilizing a cellular phone or a FM multiplex signal...". See Hayashi at column 4, lines 46-48. The only role of the cellular phone is to act as a data transceiver receiving GPS information; there is no other telephone described; and, there is nothing in this passage to the effect that the present-position sensing unit 2 makes "call management decisions" or determines "the proximity of the first to the second telephone using wireless location receiver data". The applicants

have timely requested that citation be given to specific passages in Hayashi where these references occur. Alternatively, if the opinion is that certain passages of Hayashi suggest these acts, then the applicants have timely requested an affidavit, Official Notice, or citation of a reference supporting such suggestion. There has been no response from the examiner to either of these requests. Thus, it is submitted that the proposed combination fails to meet the requirements for *prima facie* obviousness with respect to claims 2 and 34. As to claims 3 and 36, a call is transferred from the first telephone. No call is “transferred” in Aldermeshian. In Hayashi, the “cellular phone” receives a GPS correction signal; no call is described as being received or sent in Hayashi’s cellular phone. Thus, the proposed combination fails to meet the requirements for *prima facie* obviousness with respect to claims 3 and 36.

Claim 61 sets forth a call transfer mechanism that includes a means for receiving an indication of proximity between a first and second telephone and a means “for transferring telephone calls directed to the first telephone to the second telephone in response to the indication of proximity.” For the reasons given above in connection with claims 59 and 60, Aldermeshian omits a means “for transferring telephone calls” directed to a first telephone to a second telephone in response to an “indication of proximity” between the two telephones. Hayashi does not satisfy this omission. For this reason and for the reasons given above, the proposed combination therefore fails to meet the requirements for *prima facie* obviousness.

Claim 62 sets forth a call transfer mechanism that includes a means for receiving an indication of distance between a first and second telephone and a means “for transferring telephone calls directed to the first telephone to the second telephone in response to the indication of distance.” For the reasons given above in connection with claims 59 and 60, Aldermeshian omits a means “for transferring telephone calls” directed to a first telephone to a second telephone in response to an “indication of distance” between the two telephones. Hayashi does not satisfy this omission. For this reason and for the reasons given above, the proposed combination therefore fails to meet the requirements for *prima facie* obviousness.

#### Claims 5, 9, 10, 16 and 37

No basis is given in the Official Action for rejection of these claims. Accordingly, the applicants reserve the right to respond to such a rejection, if made in the Reply Brief. Otherwise, the applicants respectfully request that these claims be allowed.



#### Claims 11-13 and 31

These claims have been rejected for obviousness over Aldermeshian in view of US Patent 5,928,325 ("Shaughnessy"). That rejection is respectfully traversed for the following reasons.

The contention is, first, that "Aldermeshian discloses all the subject matters described in rejected claims 1 and 30 except for the communication network includes a position node, mobile switching center, and a base station." The applicants respectfully traverse this conclusion with respect to claims for the reasons given above, among which are that Aldermeshian does not disclose transferring calls from a first to a second telephone. The further contention is that Shaughnessy teaches "determining" in terms of a positioning node tracking proximity of a mobile and "initiating" an MSC paging telephone; reference is made to Shaughnessy in the Abstract, in FIG. 1, elements 31 and 33, and at column 2, lines 22-46. The applicants respectfully disagree with this characterization. In fact, none of those cited locations or elements teaches or suggests a "PN", an "MSC", or a "base station". The applicants request that citation be given to specific passages in Shaughnessy where these references occur. Alternatively, if the opinion is that certain passages of Shaughnessy suggest these elements, then the applicants request an affidavit, Official Notice, or citation of a reference supporting such suggestion. Otherwise, it is submitted that the proposed combination fails to meet the requirements for *prima facie* obviousness with respect to claims 11-13 and 31.

#### Claims 14, 17, 21, 48, and 51

These claims are rejected for obviousness over Aldermeshian over US Patent 6,580,904 ("Cox"). That rejection is respectfully traversed for the following reasons.

The contention is, first, that "Aldermeshian discloses all the subject matter described in rejected claims 1, 19, 30 and 43 except for using a star feature code, private code." The applicants respectfully traverse this conclusion with respect to these claims for the reasons given above, among which are that Aldermeshian does not disclose transferring calls from a first to a second telephone. Further, neither Aldermeshian nor Cox teaches "nullifying" the received call" (Claim 17). Thus, it is submitted that the proposed combination fails to meet the requirements for *prima facie* obviousness with respect to claims 14, 17, 21, 48, and 51.

Claims 24, 25, 29, 56

These claims are rejected for obviousness over Aldermeshian in view of US Patent 56,236,868 ("Lygas"). That rejection is respectfully traversed for the following reasons.

The contention is, first, that "Aldermeshian discloses all the subject matter described in rejected claim 1, except the second telephone is an automobile mounted wireless telephone." The applicants contend that, for the reasons given above, Aldermeshian does not disclose transferring calls from a first to a second telephone. Lygas does not rectify this omission. Accordingly, the proposed combination fails to meet the *prima facie* requirements of obviousness with respect to claims 24, 25, 29, and 56.

Conclusion

In view of the remarks made in this paper, it is submitted that all of the claims define subject matter that is patentably distinct from the references of record. Accordingly, the Board is respectfully requested to instruct the Examiner to indicate allowance of these claims.

Date: *January 21, 2005*

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## CLAIMS APPENDIX

1. (Original) In a communications network connecting telephones, a method for transferring telephone calls comprising the steps of:  
determining the proximity of a first telephone to a second telephone;  
initiating the transfer of calls from the first telephone to the second telephone in response to the proximity; and  
receiving the calls on the second telephone.
2. (Original) The method of claim 1 wherein the first telephone includes a wireless location receiver, and in determining includes determining the proximity of the first telephone to the second telephone using wireless location receiver data.
3. (Original) The method of claim 2 in which the wireless location receiver is selected from the group consisting of global positioning satellite (GPS) and short-range positioning beacon receiver.
4. (Original) The method of claim 3 wherein the communications network includes a positioning node (PN) and in which determining includes the PN collecting positional data to track the proximity of the first telephone to the second telephone.
5. (Original) The method of claim 3 in which the first telephone having a wireless location receiver, and in which determining includes the first telephone collecting positional data to determine its proximity to the second telephone.
6. (Original) The method of claim 2 wherein the communication network includes a plurality of base stations and in which determining includes determining the proximity of the first telephone to the second telephone through time-of-arrival measurements made on communications received by the base stations from the first telephone.
7. (Original) The method of claim 6 in which determining includes the time-of-arrival proximity tracking being performed by the first telephone, in response to measurements made by the base stations.

8. (Original) The method of claim 6 wherein the communications network includes a positioning node (PN) and in which determining includes the PN performing time-of-arrival calculations, in response to measurements made by the base station.

9. (Original) The method of 2 wherein the first and second telephones include short-range transceivers, and in which determining includes collecting positional data for tracking the proximity of the first telephone to the second telephone through communications between the first and second telephones using the short-range transceivers.

10. (Original) The method of claim 9 in which determining includes the short-range transceivers being selected from the group consisting of Bluetooth, infra-red, Home RF, wireless LAN, and radio transceivers.

11. (Original) The method of claim 1 wherein the communications network includes a PN, mobile switching center (MSC), and a base station, in which determining includes the PN tracking the proximity of the first telephone to the second telephone, and in initiating includes the MSC paging the first telephone.

12. (Original) The method of claim 11 in which initiating includes the first telephone acknowledging the page, and the MSC automatically initiating the call transfer.

13. (Original) The method of claim 11 in which initiating includes the first telephone acknowledging the MSC page, and the first telephone initiating the call transfer.

14. (Original) The method of claim 1 in which determining includes the first telephone determining the proximity of itself to the second telephone, and in which initiating includes the first telephone initiating the call transfer using a star feature code.

15. (Original) The method of claim 1 wherein the communications network includes (SIM) cards to identify the user of a telephone, and in which initiating includes

initiating the call transfer by moving a SIM card from the first telephone to the second telephone, and in which receiving includes transferring a preexisting call from the first telephone to the second telephone.

16. (Original) The method of claim 1 wherein the second telephone is selectably enabled, in which initiating includes initiating the call transfer through enabling the second telephone, and in which determining includes determining the proximity of the first telephone to the second telephone after enablement of the second telephone.

17. (Original) The method of claim 1 including a further step, following receiving; nullifying the received call.

18. (Original) The method of claim 17 wherein the first and second telephones have power supplies, and in which nullifying includes nullifying the call transfer in response to a one or more conditions selected from the group consisting of:

- 1) the elapse of a predetermined amount of time;
- 2) the termination of a call;
- 3) the power supply status of the second telephone;
- 4) the power supply status of the first telephone;
- 5) the radio frequency (RF) coverage enjoyed by the second telephone; and
- 6) the RF coverage enjoyed by the first telephone.

19. (Original) The method of claim 1 including authorizing the call transfer prior to receiving.

20. (Original) The method of claim 19 wherein each telephone has a non-transferable identification number, and the communications network includes an identification number cross-referenced database of permitted call transfers, and in which authorizing includes authorizing a call transfer in response checking whether the identification number of the first telephone is cross referenced to the identification number of the second telephone.

21. (Original) The method of claim 19 wherein the first telephone has a user interface, in which authorizing includes entering a private code into the first telephone user interface to authorize the call transfer.

22. (Original) The method of claim 19 wherein the first and second telephones have power supplies, in which authorizing includes authorizing the call transfer in response to one or more conditions selected from the group consisting of:

- 1) the status of the second telephone power supply;
- 2) the status of the first telephone power supply;
- 3) the RF coverage of the second telephone;
- 4) the RF coverage of the first telephone; and
- 5) the wireless cellular capacity.

23. (Original) The method of claim 19 wherein the first telephone includes a presentation mechanism, and in which authorization includes presenting the results of the call transfer authorization process to the user of the first telephone.

24. (Original) The method of claim 1 wherein the first telephone is a wireless telephone and the second telephone is a automobile mounted wireless telephone, in which determining includes determining that the proximity of the portable telephone to the auto-mounted telephone meets a predetermined threshold.

25. (Original) The method of claim 24 wherein the portable telephone includes an embedded wireless location receiver, wherein the auto-mounted telephone includes a port to accept positional data, wherein the automobile includes a wireless location receiver with a port to provide position location data, and in which determining includes the portable telephone collecting positioning data through the embedded wireless location receiver and the auto-mounted telephone accepting position location data from the port of the auto-mounted wireless location receiver.

26. (Original) The method of claim 1 wherein the first telephone is a portable mobile telephone and the second telephone has a predetermined fixed position, in which determining includes determining that the proximity of the portable telephone to the fixed position of the second telephone.

27. (Original) The method of claim 1 wherein a plurality of wireless telephones are provided, in which determining includes determining the proximity of the plurality of wireless telephones to the first telephone, and including, preceding initiating:

establishing a call transfer priority among the plurality of mobile telephones; and

in which initiating includes initiating the call transfer to the wireless telephone among the plurality of wireless telephones with the highest call transfer priority.

28. (Original) The method of claim 1 wherein the first telephone has a predetermined fixed position and the second telephone is a wireless telephone, in which determining includes determining that the proximity of the portable telephone to the fixed position of the first telephone.

29. (Original) The method of claim 1 wherein the second telephone is a portable mobile telephone and the first telephone is an automobile mounted wireless telephone, in which determining includes determining that the proximity of the portable telephone to the auto-mounted telephone meets a predetermined threshold.

30. (Original) In a communications network connecting telephones, a system for transferring telephone calls comprising:

a first telephone connected to the communications network;

a second telephone connected to the communications network; and

a call transfer mechanism for transferring telephone calls from the first telephone to the second telephone in response to proximity of the first telephone to the second telephone.

31. (Original) A system as in claim 30 further comprising:

the communications network including a network positioning node (PN) having a port to the communications network to receive information regarding the positions of said first and second telephones, said PN analyzing the position information and performing a proximity determination.

32. (Original) The system of claim 31 in which said first telephone is a wireless telephone, wherein:

the communications network includes a plurality of base stations connected to said first telephone through a wireless communications link, said plurality of base stations timing the arrival of communications from said first telephone and supplying time-of-arrival data through an operative connection to said PN; and

in which said PN performs the proximity determination using the time-of-arrival data.

33. (Original) The system of claim 31 in which said first telephone is a wireless telephone with a wireless location receiver selected from the group consisting of global positioning satellite (GPS) and short-range positioning beacon receivers;

in which said first telephone supplies wireless receiver location data to said PN; and

in which said PN perform the proximity determination in response the received wireless location data.

34. (Original) The system of claim 30 in which said first telephone collects information regarding the position of itself with respect to said second telephone, and in which said first telephone performs the proximity determination based on the collected position information.

35. (Original) The system of claim 34 in which said first telephone is a wireless telephone, wherein:

the communications network includes a plurality of base stations connected to said first telephone through a wireless band communications link, said plurality of base stations timing the arrival of communications from said first telephone and supplying the time-of-arrival data as position information to said first telephone; and

in which said first telephone performs the proximity determination with the time-of-arrival data.



36. (Original) The system of claim 34 in which said first telephone is a wireless telephone, said first telephone further including a wireless location receiver selected from the group consisting of global positioning satellite (GPS) systems and short-range positioning beacon receivers; and

in which said first telephone performs the proximity determination in response to the location data from said wireless receiver.

37. (Original) The system of claim 34 in which said first and second telephones each further include a short-range transceiver selected from the group consisting of Bluetooth, infra-red, Home RF, wireless LAN, a wireless radio transceivers; and

in which said first telephone performs the proximity determination in response to short-range transceiver communications between said first and second telephones.

38. (Original) The system of claim 30 further comprising:

the communications network includes a mobile switching center (MSC) to accept the proximity determination, said MSC initiating a call transfer from said second telephone, to said first telephone, in response to the proximity determination.

39. (Original) The system of claim 38 in which said first and second telephones are wireless telephones having power supplies, said first and second telephones reporting the condition of said power supplies to the communications network;

in which said MSC receives reports on the condition of said first and second telephone power supplies, and in which said MSC includes means to nullify the call transfer, from said second to said first telephone, in response to one or more conditions selected from the group consisting of said first telephone power supply condition, said second telephone power supply condition, the elapse of time since the call transfer was completed, the termination of a transferred call to said first telephone, and radio frequency (RF) coverage of said first and second telephones.

40. (Original) The system of claim 38 in which said first and second telephones have non-transferable identification numbers, wherein:

the communications network includes a database of cross-referenced identification numbers to provide cross-referencing reports;

and in which said MSC accepts cross-referenced identification numbers from said database, said MSC including means to authorize the initiation of the call transfer in response to the cross-referencing reports.

41. (Original) The system of claim 40 wherein:

the communications network includes a network node server; and

in which said identification number database is housed in elements selected from the group consisting of said first telephone, said second telephone, and said network node server.

42. (Original) The system of claim 38 in which said first and second telephones are wireless telephones having power supplies, said first and second telephone including means for reporting the status of said power supplies to the network; and

in which said MSC includes means for authorizing the initiation of the call transfer in response to one or more conditions selected from the group consisting of the condition of said first telephone power supply status, said second telephone power supply status, the capacity of the wireless cellular, the RF coverage enjoyed by said first telephone, and the RF coverage enjoyed by said second wireless telephone.

43. (Original) The system of claim 30 in which said first telephone further includes a logic module to accept the proximity determination, said first telephone logic module initiating a call transfer from said second telephone to said first telephone in response to the proximity determination.

44. (Original) The system of claim 43 in which said first and second telephones are wireless telephones having power supplies, said first and second telephones including means for monitoring the condition of said power supplies;

in which said first telephone includes means to nullify the call transfer, from said second to said first telephone, in response to one or more conditions selected from the group consisting of said first telephone power supply condition, said second telephone power supply condition, the elapse of time since the call transfer was completed, the termination of a transferred call to said first telephone, the RF coverage enjoyed by said first telephone, and the RF coverage enjoyed by said second telephone.

45. (Original) The system of claim 43 in which said first and second telephones have non-transferable identification numbers, wherein:

the communications network including a database of cross-referenced identification numbers to provide cross-referencing reports; and

in which said first telephone accepts cross-referenced identification numbers from said database, said first telephone includes means for authorizing the initiation of the call transfer in response to the cross-referencing reports.

46. (Original) The system of claim 45, in which the communications network includes a network node server; and in which said identification number database is housed in elements selected from the group consisting of said first telephone, said second telephone, and said network node server.

47. (Original) The system of claim 43 in which said first and second telephones are wireless telephones having power supplies, said first and second telephones including means for monitoring the status of said power supplies, said first telephone including means for authorizing the initiation of the call transfer in response to one or more conditions selected from the group consisting of the condition of said first telephone power supply, the condition of said second telephone power supply, the RF coverage enjoyed by said first telephone, the RF coverage enjoyed by said second telephone, and the capacity of the wireless cellular.

48. (Original) The system of claim 43 in which said first telephone, following the proximity determination, initiates the call transfer by registering a star feature code with the network.

49. (Original) The system of claim 43 wherein:  
the communications network includes a SIM card to identify the user of a telephone; and  
in which said first telephone includes means to initiate the call in response to transfer of the SIM card, from said second telephone, to said first telephone.

50. (Original) The system of claim 43 in which said first telephone includes a switch to selectably enable said first telephone, and in which said first telephone includes means for initiating the call transfer in response to enabling said switch.

51. (Original) The system as in claim 43 in which said first telephone includes means for authorizing the initiation of the call transfer by registering a private code with the network.

52. (Original) The system of claim 30 in which said first telephone includes a presentation mechanism; and  
in which said presentation mechanism presents the results of the call initiation process to the user of the telephone.

53. (Original) The system of claim 30 further comprising:  
a mobile platform;  
in which said first telephone is a wireless telephone mounted on said mobile platform; and  
in which said second telephone is a portable wireless telephone.

54. (Original) The system of claim 53 in which said mobile platform includes a wireless location receiver having an output port to supply position data;  
in which said first telephone has a port connected to said mobile platform wireless location receiver port to accept the position data from said automobile wireless location receiver; and

in which said second telephone includes a wireless location receiver.

55. (Original) The system of claim 30 in which said first telephone is a portable wireless telephone; and

in which said second telephone has a predetermined fixed location.

56. (Original) The system of claim 30 further comprising:

a mobile platform;

in which said second telephone is a wireless telephone mounted on said mobile platform; and

in which said first telephone is a portable wireless telephone.

57. (Original) The system of claim 30 in which said second telephone is a portable wireless telephone; and

in which said first telephone has a predetermined fixed location.

58. (Original) The system of claim 30 further comprising:

a plurality of telephones each having a proximity to said second telephone;

a database including a hierarchical transfer priority established between said plurality of telephones; and

in which a call transfer is initiated to a telephone, among said plurality of telephones, with the higher transfer priority.

59. (Previously presented) In a communications network connecting telephones, a call transfer mechanism comprising:

means for determining proximity of a first telephone connected to the communications network to a second telephone connected to the communications network; and

means for transferring telephone calls directed to the first telephone to the second telephone in response to the determination of proximity.

60. (Previously presented) In a communications network connecting telephones, a call transfer mechanism comprising:

means for determining a distance between a first telephone connected to the communications network and a second telephone connected to the communications network; and

means for transferring telephone calls directed to the first telephone to the second telephone in response to the determination of a distance.

61. (Previously presented) In a communications network connecting telephones, a call transfer mechanism comprising:

means for receiving an indication of proximity of a first telephone connected to the communications network to a second telephone connected to the communications network; and

means for transferring telephone calls directed to the first telephone to the second telephone in response to the indication of proximity.

62. (Previously presented) In a communications network connecting telephones, a call transfer mechanism comprising:

means for receiving an indication of distance between a first telephone connected to the communications network and a second telephone connected to the communications network; and

means for transferring telephone calls directed to the first telephone to the second telephone in response to the indication of distance.